

ENVIRONMENTAL PROTECTION COMMISSION[567]

Amended Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission (Commission) proposes to amend Chapter 22, “Controlling Pollution,” Iowa Administrative Code.

The proposed amendments include clarifying the types of mailing services that may be used to submit air construction permit applications and Title V permit applications and clarifying that applications are not required to be submitted by certified mail. Additionally, the amendments establish electronic media submission requirements necessary for compliance with the federal Cross-Media Electronic Reporting Rule (CROMERR) adopted in 567—Chapter 15. The amendments also reduce the regulatory burden for construction permit applicants for projects that will not emit greenhouse gases (GHG) by eliminating the requirement for those applicants to submit the current three-page GHG form. Lastly, the amendments revise the requirements for Title V permit applications so that only one copy of the application (rather than two) needs to be submitted to the Department.

Notice of Intended Action was published in the Iowa Administrative Bulletin on January 18, 2017, as **ARC 2895C**, and a public hearing was held on February 20, 2017, in Windsor Heights, Iowa. The Department received no comments at the public hearing. The Department received one written comment prior to the February 20, 2017, deadline for public comments.

The U.S. Environmental Protection Agency (EPA) submitted a comment stating that the portions of the amendments allowing submittal of a construction permit application or a Title V Operating Permit application by e-mail would not be approved into Iowa’s State Implementation Plan (SIP). The EPA stated that it would not approve these rule changes into the SIP because Iowa has not submitted the electronic submittal method as part of a formal application for compliance with CROMERR.

Subsequently, the Department submitted a formal request to the EPA for an Applicability Determination on whether the e-mail submittal method, if submitted as part of a formal CROMERR application, would be CROMERR-compliant. The EPA responded to the Department in a letter dated May 25, 2017, indicating that such an application submittal method would not be considered CROMERR-compliant.

In response to the public comment received, the Commission is providing an additional opportunity for public comment on the proposed amendments. The Commission has not made any changes to the proposed amendments published under the Notice of Intended Action. (Please see **ARC 2895C**, Iowa Administrative Bulletin, January 18, 2017, for the complete description and proposed amendments to Chapter 22.)

Anyone may make written suggestions or comments on the proposed amendments (**ARC 2895C**) on or before September 5, 2017. Written comments should be directed to Christine Paulson, Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Windsor Heights, Iowa 50324; fax (515)725-9501; or by e-mail to christine.paulson@dnr.iowa.gov.

A public hearing will be held on Tuesday, September 5, 2017, at 10 a.m. in the conference rooms at the Department’s Air Quality Bureau office located at 7900 Hickman Road, Windsor Heights, Iowa. All comments must be received no later than 4:30 p.m. on September 5, 2017.

Any person who intends to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact Christine Paulson at (515)725-9510 or by e-mail at christine.paulson@dnr.iowa.gov to advise of any specific needs.

As noted in **ARC 2895C**, the Commission has determined after analysis and review that the proposed amendments will have a positive impact on private sector jobs.